

THE DESERET NEWS.

TRUTH AND LIBERTY.

No. 50.

Salt Lake City, Wednesday, December 31, 1884.

Vol. XXXIII.

ESTABLISHED 1850.

DESERET NEWS:

WEEKLY.

PUBLISHED EVERY WEDNESDAY.

One Copy, one year, with Postage, \$3 50
" " six months, " 1 75
" " three months, " 90

DESERET NEWS:

SEMI-WEEKLY.

PUBLISHED EVERY TUESDAY AND SATURDAY

One Copy, one year, with Postage, \$4 00
" " six months, " 2 00
" " three months, " 1 00

EVENING NEWS:

Published every Evening, except Sunday.

One Copy, one year, with Postage, \$5 00
" " six months, " 3 00
" " three months, " 1 50

TERMS—IN ADVANCE.

OFFICE—Corner South and East Temple Sts.

LOCAL NEWS.

FROM TUESDAY'S DAILY, DEC. 23.

A New Paper in Cache.—We have just received No. 1, Vol. 1 of a new paper published at Richmond, Cache County, and called *Aid to Progress*. It is a bright, spicy paper, full of news dished up in a lively style, and is but \$1.50 per year. During the first month it will be issued only twice after which it will become a weekly paper. Notwithstanding the sandbars and other dangerous obstacles always in the course of newspaper crafts, we wish our readers a successful voyage.

Acknowledgements.—Mr. C. J. Gustavson entered our sanctum today bearing a dozen fine buggy whips to be given to vehicle owners of the office, for which we are duly grateful. Mr. G. is an enterprising merchant in the harness and saddle business and he carries a full stock of the best of goods in his line, as a glance at his show-window and shop will demonstrate. Mr. G. is giving a whip to all his customers. A Christmas tree in the window is decorated with articles too numerous to mention, among which is an endless variety of endless things—martingale rings.

Anniversary Celebration.—Sunday was the seventieth anniversary of the birthday of Sister Elizabeth Barton. The event was celebrated at the residence of her eldest son, Brother William B. Barton, of the 18th Ward by a family gathering last night. The assemblage numbered 57, including seven sons, all respected members of the community. Among the entertainments were a sumptuous supper, singing, games, dancing, and the presentation to the veteran lady of an autograph album, containing the signatures and kindly sentiments of all present old enough to write. The ages of those present ranged from 21 days to 70 years.

Watt—Stephen, Genius of Steam.—This is a Christmas Annual, which, unlike most holiday books, treats of a subject interesting to old and young, and is a veritable volume of instruction.

The "Genius of Steam" takes Ned on a trip, gives him the philosophy and elements of air and water, and the phenomena of heat, steam and combustion.

It is illustrated with cuts of steam machinery from the days of Hero, to B. C. 200, to the giant locomotive of today. Cover in four colors; 18 illustrations. Sent postpaid to any address upon receipt of 15 cents in stamps or postal order, by E. St. John, G. T. & P. A., Chicago, Illinois.

Another Bigamy Case.—Last evening we made brief mention of the arrest of Thomas Simpson for polygamy. The complaint charging him with the offense was sworn out by Edward Everett, and alleges that Simpson was lawfully married to and still living with one Jane Doe Simpson, when on the 12th day of July, 1883, he married one Emma Everett, a sister of the young man making the complaint.

Defendant in the prospective trial is an employee on a U. C. freight train and was arrested by Deputy Marshal Ferguson, at Juab, brought up and lodged in the penitentiary Sunday night. As the Commissioner's Court was occupied yesterday in examining witnesses in the railroad collision case, the Simpson case was postponed until this afternoon, defendant's bail being fixed at \$1,500. Nine witnesses were subpoenaed and ordered to appear at that hour.

Frightful Accident.—We have just received the following dispatch which is self-explanatory:

Cedar City, Dec. 22, 1884.

Editor Deseret News:

Bishop Thomas Taylor has just arrived from Pinto and brings the mel-

ancholy news of a fatal accident that befell two sons of Brother David Tullis of that place on Saturday morning last, aged respectively about nine and twelve years. They were sleeping in an old log house adjacent to his residence with a dirt roof, which being thoroughly saturated with the melting snow, broke the centre beam, which fell upon the boys, killing them instantly. The sad occurrence caused a mournful feeling to pervade the bosom of every one in that peaceful little village. The bodies were interred on Sunday.

HENRY LUNT.

To-day's Court Proceedings.—In the case of Phoebe A. Smith vs. W. S. Smith, mentioned yesterday, it appears that W. O. Smith, deceased, did not by will provide at all for his wife, the plaintiff, but the most of his property fell to defendant, W. S. Smith. To-day it was submitted on demurrer to the petition and order of the Probate Court refusing the revocation of the will of W. O. Smith, deceased. Petition insufficient, demurrer sustained and leave granted to amend petition by the first day of the February term.

Loving R. Kitcham vs. A. Luman; motion of plaintiff for a new trial submitted without argument and the court finds no error as alleged and orders the motion. Exception was made.

James De Causey et al. vs. Gustave Johnson came up for trial; M. M. Kaighn for plaintiff, Arthur Brown for defendant. Two or three witnesses were examined on both sides and the case was submitted.

A Fruitless Search.—Yesterday evening, near 5 o'clock, Deputy Marshal Greenman went to the house of Mr. Alonzo E. Hyde, while the latter was away, and asked Mrs. Hyde to inform Mr. Miner, whom he knew was inside, that he was wanted. The lady, however, told the Deputy that he was misinformed regarding Mr. Miner's presence, and if her word was doubted, she was willing the officer should satisfy himself by searching the house, if he had the papers conferring that authority. With many apologies and excuses, Mr. Greenman said duty compelled him to do so, and the hostess conducted him through each room, not even omitting to search the one in which Mrs. Hyde's mother lay sick; his search, however, was fruitless, but not being satisfied, he climbed up into the dirty attic and crawled around up there for some time. After which he searched the premises, outhouses, barns, etc., but with no better success, and the disappointed Deputy departed with less assurance than when he came.

Welcome Home.—This morning we were pleased to meet and grasp by the hand Elder George C. Lambert, who returned last night from a mission to Great Britain. He left here October 17th, 1882, and spent the first month of his stay in England in visiting relations and another laboring in the ministry as Traveling Elder in the Bedford District of the London Conference. The balance of the time he spent in the office at 42 Islington, Liverpool, editing the *Milennium Star* and performing other duties, among which was preaching the Gospel at every available opportunity, indoors and in the open air, and altogether performed a faithful mission, productive of excellent results.

Two other missionaries—George Wilson and P. J. Lammers—who went to Europe at the same time as Elder Lambert, returned last night. The first named labored a year in the Liverpool Conference, five months in Scotland, and from the 5th of May last in Ireland, where a good work has been done, about fifty having been baptized since that date. Elder Robert Marshall was his companion and is still in that field, laboring effectively.

Elder Lammers labored in Holland, where he baptized between fifty and sixty people into the Church.

All three are in good health.

TERRITORIAL ITEMS.

CULLED FROM LATEST EXCHANGES.

—At Richfield, Sevier County, the other day, a small boy was attacked by a ferocious dog, and bitten on the calf of the leg. The canine's teeth penetrated to the bone and tore off a piece of flesh three inches long and two inches wide.

Complice, McCune & Co., of Butte, Montana, have just signed a contract to deliver 300,000 cords of wood to the Anaconda Company—75,000 cords per year for four years. This is supposed to be the largest contract for wood ever taken.

—Last evening, as Mrs. W. A. Hodgeman, with her two children, was driving on Fourth street, Ogden, a team belonging to H. M. Bond, engaged in hauling coal, became frightened and dashed down upon the buggy, smashing it all to pieces, throwing out the occupants and seriously injuring them, though it was reported there were no bones broken, and that the injured ones would survive the shock. Was thought for a time that they had

all been killed. This is the fourth time the same team has run away and done more or less damage.

THE RIO GRANDE COLLISION.

ENGINEER OSTERWALD'S HEARING.

Mr. Bowers, an old railroader, took the stand yesterday afternoon, and said he considered the order given by the train dispatcher informal, that it gave the work train a right to the road against all other trains up to 12 o'clock of the 17th; all orders he had ever seen would have specified that a regular train was expected, and for the work train to avoid all regulars; the order did not; an order superseded all schedules and printed rules.

After the Commissioner had received a copy of the rules and regulations governing the employees of the road he said he would hear Osterwald's case before passing upon this point.

Osterwald's case was thereupon proceeded with. The names of the witnesses required to testify were then read. They are as follows: Gray, Russell, Brenning, Welch, Nelson, Finch, Hamill, Nicholls and Ducker.

The charge against Osterwald was similar to the one preferred against Seaboldt and was brought under section 200 of the Compiled Laws of Utah, which is as follows:

"Every conductor, engineer, brakeman, switchman or other person having charge, wholly or in part, of a railroad car, locomotive or train, who wilfully or negligently suffers or causes the same to collide with another car, locomotive or train, or with any object or thing, whereby the death of a human being is produced, is punishable by imprisonment in the penitentiary not less than one nor more than ten years."

James Hamill was on the caboose on 21, in the rear; the curve was of about eight or ten degrees; the track was straight on the west end of it; a reverse curve on the east end; 21 was about two-thirds around it when the accident occurred. After the collision, in conversation he heard Osterwald say, "Oh, my God, I ought to be shot for taking Burt's word for it." He explained that, according to the order in evidence, work trains were to keep out of the way of regular trains, and that a regular train does not lose its right to the road until after twenty-four hours; an engineer had no right to go unless he knew from the conductor that he was safe; when a work train is in motion and has orders to run regardless of regular trains, they have no occasion to flag; that's the custom—not the rules.

After hearing another witness, Commissioner adjourned, until 10 o'clock this morning.

Osterwald was placed under \$1,000 bonds.

B. W. Nelson, brakeman of the work train was first called to testify this morning: Our train left Spanish Fork about 10 o'clock; we stopped on the road to unload iron which delayed us about six or eight minutes. When I first saw No. 21 she was 25 or 30 car lengths ahead of us. Our engineer gave three whistles before we struck the curve. It was snowing hard. Cannot say exactly what time the collision occurred. I have been employed on train work about eight years. We were making eight or ten miles an hour before we struck the curve, but began immediately to slacken up. Don't know of any order being given the engineer by the conductor. Did not hear No. 21 give any signal, and if it had, I think I should have heard it. If the air had been applied and the engine had been reversed when I first saw No. 21, their train would have been sufficiently checked to prevent much damage, but I cannot say if the crew on No. 21 saw our train at the same time or not. The engineer has nothing to do with the flag. If he don't think he is safe, he need not go. The conductor or myself should flag the train. I am subject to his orders. Neither of us were flagging the train at the time of the accident, only by being on the end of the caboose. Excused.

John Welch, foreman, testified: No. 21 was from 60 to 100 feet away from us when I first saw it. The engineer of our train gave three whistles before striking the curve, no other whistle was given. Our train was in motion when it collided with No. 21. When I saw No. 21 first our train was running too fast for me to jump off. Did not see Conductor Seaboldt give our engineer any kind of a signal before we struck.

Q.—Did you hear Conductor Gray and Engineer Russell's evidence? (They were on No. 21's train. They were not in as good a place to hear the whistle as you were, were they? They said they heard it.)

A.—Yes, sir, I heard the evidence. I was in a better place than they were to hear it, but I did not.

Seaboldt next testified: I gave the engineer of my train an arm motion to stop. Our train was still when No. 21 struck us. Our engineer blew one whistle. No. 21 was coming towards us about 18 miles an hour, and I did

not observe any slackening of speed by their train. If No. 21 had not exceeded the maximum time allowed, we would have made the gravel pit and had half an hour to spare.

C. M. Brown next testified. He had been Railroading since '64. Employed as passenger, freight and construction conductor, also as fireman and brakeman. It has been the rule, where I have worked, for a train dispatcher to notify trains as to the whereabouts of trains under such circumstances, especially where a freight train is as late as No. 21 was. I worked on the D. & R. G. about eight months. The D. & R. G. rules give the conductor the greater part of the responsibility. I consider that the conductor and engineer of No. 21 should have been notified by the dispatcher that the work train was working between Thistle and Spanish Fork and to look out for them. Where I've worked on the road, it has been customary for the dispatcher to notify both trains, thus giving the men on the work train time to work as much as possible. It would not be necessary for a dispatcher to notify the work train that he had given No. 21 a right to exceed schedule time; the work train should be protected and have no right to presume that No. 21 was not exceeding schedule time.

W. H. H. Bowers took the witness chair. The maximum speed that No. 21 was allowed by the rules between Clear Creek and Thistle, is the schedule time, which is one hour and fifty-five minutes, unless the dispatcher sees fit to issue a special order. No. 21 should not exceed this time. As a rule, where the crew of a work train can see a clear piece of track they proceed without flagging their train, but should flag around all curves.

Mr. Osterwald said: We left Spanish Fork about four minutes after 10 o'clock for Thistle Gravel Pits, which would take about fifty minutes. I did not know when we left Spanish Fork that we would have to stop on the road to unload the iron. I receive all orders from my conductor; when he gives me an order to go ahead or back up, I am supposed to obey him. The conductor told me at Spanish Fork that No. 21 had left Clear Creek three or four minutes ago. After the iron was unloaded the conductor gave me a signal to go ahead. I did not receive any other instructions regarding the running of the train until I saw the smoke of No. 21's engine and some person's hand swinging from our caboose. I reported in the book at the round house in this city on the Saturday before the accident occurred, to the effect that my air brake was out of order and would not work. Cannot say whether it was fixed or not, but tried it before I left the city and it would not work. I tried to fix it myself, but could not. Could have stopped the train fifteen minutes sooner if we had had air.

Adjourned till 10 a. m. to-morrow.

FROM WEDNESDAY'S DAILY, DEC. 24.

A Generous Gift.—We are informed by Bishop William Thorne that Messrs. Walker Brothers handed to him, this morning, an order for five tons of coal to be distributed among the poor of the Seventh Ward, in which the donors reside.

A Sad Death.—By a telegram to a lady in this city we learn of the sad death of her daughter, Sister Zillah Chapman, wife of Welcome Chapman, both formerly of this city, but now of St. Johns, Arizona. She accompanied her husband, who went to that place as a missionary last summer. Some ten weeks ago she was hooked by a cow, and has ever since suffered from the injuries received, which finally culminated in her death this morning.

An Old Custom Changed.—F. Auerbach & Bro. will not give their patrons their usual holiday presents, as they found it difficult to please all; and as a substitute will give away fifty-five tons of coal, for the poor, as follows: To Bishop Preston, for distribution, twenty tons; to the united charities of the different churches, twenty tons; and to each of the hospitals, five tons.

It is hoped that this will be satisfactory to the customers of that house, as it is virtually a gift from them to the poor.

Accidentally Shot.—From a correspondent we learn of a sad accident that recently occurred, resulting in the death of a young man of Union Fort, South Cottonwood, named Chauncey N. Tanner. It seems that while out hunting, near Coalville, with another young man, the two climbed a fence and sat upon it, talking, when suddenly Tanner's gun slipped from his knee and fell. The hammer striking one of the poles of the fence, discharged the contents of the gun into the body of the unfortunate owner. He was taken home and placed under the care of Dr. Collar, of Morgan County. He suffered for nine days and then died. His death is mourned by a large circle of friends.

Severely Punished.—Duncan Gardner came before Justice Spiers this

morning and swore out a warrant for the arrest of Chas. Nielson and John Hill. He charges them with beating and kicking his brother Henry Gardner to death. It seems that a crowd of young men were playing pool at Pitts saloon, on the State Road, on the night of the 18th inst, and a row broke out in which young Gardner received a severe punishing. He died from the effects, early this morning. He was a son of Bishop Gardner of West Jordan. The officers are looking for Hill and Nielson.

Later—The unfortunate man died at his home, in Big Cottonwood Ward about a mile south of Brinton Bros. store.

The perpetrators of the deed—Hill and Nielson—were arrested this afternoon and lodged in the City Jail at half-past three o'clock.

District Court Proceedings.—The case of the People vs. C. W. Burton for embezzlement was dismissed, as were also two cases of the People vs. Alex. S. Hill for embezzlement, who, it will be remembered, ran away with several thousand dollars of his wife's money some time ago.

James De Causey vs. Gustave Johnson was resumed. J. F. Cannon and Joseph Spitz, witnesses, were recalled. The deposition of Jas. E. Schwartz was read.

In the case of Aaron Kigson vs. Isabelle Kunkel came up and judgment was rendered as prayed.

In the matter of the estate of Horace D. Gibbs, the filing and service of notice of motion for new trial. Motion refused. Exceptions taken. Defendants allowed 20 days to file statement on appeal.

Thos. A. Tennant vs. Wm. Ayerton. Defendant allowed 20 days to file notice of new trial.

Augustus N. Eddy et al., vs. E. A. Ireland. Upon application of Hoge and interpleader of W. L. Pickard and Henry Wagner allowed filed.

A Fine Display.—A visit to the Tithing Office meat market will amply repay any one for the trouble. A finer and more artistic display of meats we have not seen this season. The hooks, beams, blocks and counters seem to groan under the weight of beautifully dressed beef, mutton, pork, etc. Just within the door and on either side of it are two large hogs suspended from the ceiling and tastefully decorated. The side walls are laden with the hind quarters of about a dozen choice beefs, skillfully dressed and decorated with evergreens, rosettes, etc., making a very fine appearance, while from numerous hooks in the ceiling hang rolls of salt pork, beef and hams.

But the most striking of anything in the shop is the row of sheep carcasses hanging from the rack behind the counter. On the back of the centre sheep is engraved a picture of a sleigh drawn by two deer, underneath which are the words, "Compliments of the Season." Two men are employed to cut up the beef, mutton and veal, two or three others deal it out, and we should judge this market is not surpassed in the amount of meat handled at retail by any in the city.

Simpson's Case.—At two o'clock this afternoon the Simpson case was resumed in Commissioner McKay's office. Wm. Lunnun was first to testify.

I am 32 years old; live in the 19th Ward; have been night watchman at the Utah Central depot for the past three years; I know the defendant; have known him for 2 years; defendant came to me one Saturday, about a year ago and said he wanted I should go to his house to help settle a little disturbance. I went down with him to his house. He said, "I married Miss Everett, and as soon as they found out I had a wife coming from England with the next emigration I could not do anything with them." I told him "I guess you have got your foot in it." Defendant did not reply to this remark of mine. When the emigration arrived I was at the depot, saw a sack among the baggage. "Simpson" was marked on the sack, and the defendant was sitting on it. He had three bundles in his care and was sitting on one.

George Everett next said: I am forty-two years old; live in the 16th Ward; am section hand on the Utah Central R. R.; have known the defendant for two years. He married my sister one year ago last May; he told me he had a wife in England. There was a subscription taken among the R. R. hands to bring his wife from England to Utah, and I paid 50 cents towards it. He has often told me he had a wife in England. Said her name was Hannah. First time he told me he had a wife in England was one year ago last March. Joseph Kingdom, Henry Walker and John Davis all subscribed money to help bring his wife from England.

The following witnesses were ordered to appear before the grand jury:

George Everett, Mrs. George Everett, Hannah Powell, Wm. Lunnun, John Simpson and H. J. Bristol.

The defendant was bound over in the sum of \$2,500 to appear before the grand jury. He at once started to get uredies.